

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

MATTHEW HUMPHREY,)
)
Plaintiff,)
)
v.) No.: 3:18-CV-311-TAV-HBG
)
BRANDON ROBINSON,)
STEVE KENNEDY, and)
DERRICK DAUGHERTY,)
)
Defendants.)

MEMORANDUM OPINION

This is a pro se prisoner's complaint for relief under 42 U.S.C. §1983. Now before the Court is Defendants' notice of Plaintiff's death and accordant motion to dismiss this case under to Rule 25(a) of the Federal Rules of Civil Procedure [Doc. 48]. Rule 25(a) provides, in pertinent part, that if a party dies, a motion for substitution may be made by any party or by the decedent's successor or representative, but that if such a motion is not made within ninety days after service of a statement noting the death, the court must dismiss the action. As Defendants filed the notice of Plaintiff's death more than ninety days ago and none of Plaintiff's successors or representatives have filed a motion for substitution and the time for doing so has passed, Defendants' motion [*Id.*] will be **GRANTED** and this action will be **DISMISSED**.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE